
HOUSE BILL No. 1313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1.

Synopsis: Regulation of residential leases. Provides that a political subdivision may not adopt or enforce a regulation that: (1) requires an owner or landlord to be licensed or to obtain a permit from the political subdivision to lease a rental unit; (2) requires an owner or landlord to enroll or participate in a class or government program as a condition for leasing a rental unit; or (3) imposes a fee or other assessment for any purpose other than fees relating to the construction of a rental unit. Provides that a political subdivision may impose a penalty for an act or omission that is a nuisance or a violation of the political subdivision's enforceable ordinances or codes, subject to certain conditions. Repeals a related statute relating to regulation of residential leases by political subdivisions.

Effective: July 1, 2013.

Speedy, Turner, Austin

January 14, 2013, read first time and referred to Committee on Local Government.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

HOUSE BILL No. 1313

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-1-20 IS REPEALED [EFFECTIVE JULY 1,
- 2 2013]. (Regulation of Residential Leases).
- 3 SECTION 2. IC 36-1-22 IS ADDED TO THE INDIANA CODE AS
- 4 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2013]:
- 6 **Chapter 22. Regulation of Residential Leases**
- 7 **Sec. 1. The definitions in IC 32-31-3 apply throughout this**
- 8 **chapter.**
- 9 **Sec. 2. As used in this chapter, "regulation" refers to an**
- 10 **ordinance, rule, or other enactment by a political subdivision**
- 11 **relating to any of the following:**
- 12 **(1) Landlord and tenant relations.**
- 13 **(2) Rental agreements.**
- 14 **(3) Real property subject to a rental agreement.**
- 15 **Sec. 3. A regulation that does any of the following may not be**
- 16 **adopted or enforced:**
- 17 **(1) Requires an owner or landlord to be licensed or to obtain**



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a permit from the political subdivision to lease a rental unit.

(2) Requires an owner or landlord to enroll or participate in a class or government program as a condition for leasing a rental unit.

(3) Imposes a fee or other assessment for any of the following:

(A) Inspection of a rental unit.

(B) Registration of an owner, landlord, or rental unit.

(C) For any other purpose. However, this clause does not prohibit imposition of a fee relating to the construction of a rental unit, such as a building permit fee.

Sec. 4. (a) This chapter does not prevent a political subdivision from imposing and collecting a penalty for an act or omission that is a nuisance or violation of the political subdivision's enforceable ordinances or codes, subject to subsection (b).

(b) A penalty permitted under subsection (a) may not be imposed until after:

(1) reasonable notice has been given to the owner or the owner's designee of the nuisance or violation;

(2) passage of a reasonable time, which must be stated in the notice, for the nuisance or violation to be cured; and

(3) failure of the nuisance or violation to be cured within the time stated in the notice.

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